IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE THIRD DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION NO : 6444 of 1997

Between:

Potireddy Govinda Rao S/o. Chinna Narsaiah
R/o. Jagannadhavalasa (V), G.Sigadam (M),
Srikakulam District.

..... PETITIONER

AND

1 Joint Collector
Srikakulam, Srikakulam District.
2 The Revenue Divisional Officer,
Srikakulam.
3 The Mandal Revenue Officer,
G.Sigadam (M), Srikakulam.
4 Thagala Kannamma W/o. Tavitayya
R/o. Jagannadhavalasa (V), G.Sigadam (M),
Srikakulam.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus or any other appropriate Writ or order or direction in the nature of a Writ declaring the action of the respondents in threatening to dispossess the petitioner from an extent of Ac.0.42 cents out of his patta land of Ac.2.30 cents in S.No.103/8, Jagannadhavalasa Village, G.Singadam Mandal, Srikakulam District, as highly illegal, arbitrary, Violative of Art. 300-A of the Constitution of India and violative of the principles of natural justice and to consequently direct the respondents not to interfere with the petitioner's land.

Counsel for the Petitioner: MR.J.V.PRASAD

Counsel for the Respondents 1 to 3: GP FOR ASSIGNMENT

The Court made the following :

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ORDER:

Heard both the Counsel.

The Writ Petition was filed praying for Writ, order or direction in the nature of Writ of Mandamus declaring the action of respondents in threatening to dispossess the petitioner from an extent of Ac.0.42 cents out of his patta land of Acs.2.30 cents in S.No.103/8 of Jagannadhavalasa Village, G.Sigadam Mandal, Srikakulam District, as highly illegal, arbitrary, violative of Article 300-A of the Constitution of India and violative of the principles of natural justice.

In para 4 of the counter-affidavit filed by the Respondents 1 to 3 it was stated as hereunder:

> "In reply to para 4 of the petitioner's affidavit it is submitted that the allegations of the petitioner are quite false and imaginary. The assignment of Government lands to the landless poor is one of the normal activities of the Revenue Department. As such, the Mandal Revenue Officer, G.Sigadam has assigned an extent of Ac.0.42 cents of Banjar land in Sy.No.103.6 of Jagannadhavalasa Village to Smt.T.Kannamma, who is a S.C. landless poor person, as she is eligible for such assignment under assignment rules. The land Ac.2.30 cents of the petitioner Sri P.Govindarao is in Sy.No.103/8 of Jagannadhavalasa Village, whereas the D.Patta land Ac.0.42 cents granted to Smt.Kannamma is in Sy.No.103/6 of Jagannadhavalasa Village. Hence, the lands of the petitioner and the 4th respondent are different and located in different survey numbers. As such the contention of the petitioner that his land was assigned to the 4th respondent is not correct and invented for the purpose of this suit. There is no interference in the possession and enjoyment over the land Ac.2.30 cents (in Sy.No.103/8) owned by the petitioner even to date. Hence, the question of violation of Article 300-A of the Constitution of India does not arise."

In the light of the stand taken by the respondents in the counter-affidavit and also in the light of the interim direction already granted by this Court, no further orders are required. It is needless to say that the respondents not to disturb the possession of the petitioner to an extent of Ac.0.42 cents out of his patta land of Ac.2.30 cents in S.No.103/8 of Jagannadhavalasa Village.

The Writ Petition is, accordingly, disposed of. No costs.

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P.S.NARAYANA, J.

Dated 03-12-2004.

SKMR

..... REGISTRAR

To

1 The Joint Collector,
Srikakulam, Srikakulam District.
2 The Revenue Divisional Officer,
Srikakulam.
3 The Mandal Revenue Officer,
G.Sigadam (M), Srikakulam.
4. 2CCs to G.P. for Assignment, High Court Buildings, Hyderabad,

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